



Paper No. 8

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SEP 30 2002

OFFICE OF PETITIONS

In re Application of :
J. Aaron Bly, David T. Spieldenner, :
Aaron Roth, Patrick O'Brien, :
Andrew F. Suhy, Jr., and :
Brent Parent :
Application No. 09/990,911 :
Filed: November 14, 2001 :
Title: System and Method for :
Disposing of Assets :

DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the "Response to Decision Refusing Status under 37 CFR 1.47(a)," filed September 3, 2002 (certificate of mailing August 29, 2002).

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 14, 2001, without an executed oath or declaration. J. Aaron Bly, David Spieldenner, Aaron Roth, Patrick O'Brien, Andrew Suhy, Jr., and Brent Parent were named as joint inventors. In reply to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," mailed December 6, 2001, applicants timely filed the initial petition under §1.47. The petition was dismissed for failure to provide proof that non-signing inventors Suhy and Parent refused to sign the Declaration after having been presented with the application papers and because the declaration was not in compliance with 35 USC § 115 and 37 CFR § 1.63 (Decision mailed May 31, 2002).

The instant request for reconsideration was timely filed with an accompanying request for an extension of time for response within the first month (and extension fee). In support of the request for reconsideration, applicants submitted evidence showing that the entire application package (and not just the declaration, power of attorney and assignment) was sent to both inventor Parent and inventor Suhy. Attorney Stewart further detailed the circumstances of each inventor's refusal. Further, rule 47 applicants provided documentary evidence in the form of copies of

E-mail communications, and relevant FedEx Express delivery information

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (2).

The declaration submitted is not acceptable because it contains non-dated/non-initialed alterations to the declaration as to the information for inventor Suhy. On renewed petition, petitioner must submit a declaration executed by the available joint inventors on behalf of themselves and on behalf of nonsigning inventor Suhy without such alterations.

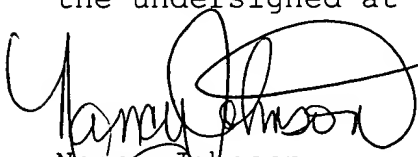
Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.



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